

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2743

Introduced by Assembly Member Nava

February 19, 2010

~~An act to amend Section 1797.3 of the Health and Safety Code, relating to emergency medical services. An act to add Section 1942.7 to the Civil Code, relating to rental property.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2743, as amended, Nava. ~~Emergency medical services. Real property: rentals: animals.~~

Existing law regulates the terms and conditions of residential tenancies and governs the obligations of tenants and landlords under a lease or tenancy.

This bill would prohibit a landlord, that allows a tenant to have an animal on the premises, from advertising or establishing rental policies in a manner that requires a tenant or a potential tenant with an animal to have that animal debarked or declawed, for other than therapeutic purposes, as a condition of occupancy. This bill would impose a civil penalty of not more than \$2,500, to be paid to any individual harmed by a violation of these prohibitions.

~~Existing law establishes the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, which governs local emergency medical service systems.~~

~~This bill would make technical, nonsubstantive changes to the act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares:*

2 *(a) Declawing cats and other animals, which is primarily done*
3 *for the purpose of limiting an animal's ability to scratch people*
4 *and furnishings, is cruel and unnecessary.*

5 *(b) Scientific studies have shown that declawed cats have a*
6 *tendency to bite more often than cats that have not been declawed,*
7 *and that declawed cats are also more likely to urinate and defecate*
8 *outside of their litter boxes than cats that have not been declawed,*
9 *an outcome that does not support the intended purpose of*
10 *declawing an animal in order to protect people and furnishings.*

11 *(c) Therefore, it follows that declawing cats makes an animal*
12 *more likely to lose its home because of the unintended behavioral*
13 *problems that are often exhibited in animals that have been*
14 *declawed.*

15 *SEC. 2. Section 1942.7 is added to the Civil Code, to read:*

16 1942.7. *(a) It is illegal for a landlord that allows a tenant to*
17 *have an animal on the premises to do any of the following:*

18 *(1) Advertise, through any means, the availability of real*
19 *property for occupancy by a tenant in a manner designed to*
20 *discourage application for occupancy of that real property because*
21 *the potential tenant's animal has not been debarked or declawed.*

22 *(2) Refuse to allow the occupancy of any real property, refuse*
23 *to negotiate the occupancy of any real property, or to otherwise*
24 *make unavailable or deny to any tenant the occupancy of any real*
25 *property because of that tenant's refusal to debark or declaw any*
26 *animal.*

27 *(3) Require any present or potential tenant to debark or to*
28 *declaw any animal as a condition of applying for occupancy, the*
29 *right of occupancy, or continued occupancy of any real property.*

30 *(4) Give preferential treatment in the terms of the right of*
31 *occupancy or the provision of services to present or potential*
32 *tenants whose animals have been debarked or declawed.*

33 *(5) Discriminate in the terms of occupancy or the provision of*
34 *services against present or potential tenants whose animals have*
35 *not been debarked or declawed.*

36 *(b) For purposes of this section, the following definitions apply:*

37 *(1) "Animal" means any mammal, bird, reptile, or amphibian.*

1 (2) *“Application for occupancy” means all phases of the process*
2 *of applying for the right to occupy real property, including, but*
3 *not limited to, filling out applications, interviewing, and submitting*
4 *references.*

5 (3) *“Claw” means a hardened keratinized modification of the*
6 *epidermis, or a hardened keratinized growth, that extends from*
7 *the end of the digits of certain mammals, birds, reptiles, and*
8 *amphibians, often commonly referred to as a “claw,” “talon,” or*
9 *“nail.”*

10 (4) *“Debarking” means performing, procuring, or arranging*
11 *for any surgical procedure such as a vocal cordectomy, to remove*
12 *an animal’s vocal chords or to prevent the normal function of an*
13 *animal’s vocal chords.*

14 (5) *“Declawing” means performing, procuring, or arranging*
15 *for any surgical procedure, such as an onychectomy, tendonectomy,*
16 *or phalangectomy, to remove or to prevent the normal function of*
17 *an animal’s claw or claws.*

18 (6) *“Landlord” means an owner, property manager, or other*
19 *entity, including their agents or successors in interest, having the*
20 *authority to establish occupancy rights in another, to terminate*
21 *occupancy rights in another, or to provide or manage services as*
22 *to any real property. “Landlord” also includes tenants who become*
23 *landlords due to subdividing, subleasing, or assigning their*
24 *occupancy rights to another. “Landlord” also includes those who*
25 *invite others to share real property they occupy.*

26 (7) *“Occupancy” means the right to occupy or actual occupancy*
27 *of any real property with or without any kind of payment for the*
28 *right to occupy premises owned by another.*

29 (8) *“Tenant” means a person or entity occupying the real*
30 *property owned by another.*

31 (9) (A) *“Therapeutic purpose” means the necessity to address*
32 *the medical condition of an animal, such as an existing or recurring*
33 *illness, infection, disease, injury, or abnormal condition that*
34 *compromises the animal’s health.*

35 (B) *“Therapeutic purpose” does not include cosmetic or*
36 *aesthetic reasons, or reasons of perceived need or convenience in*
37 *keeping or handling the animal.*

38 (c) *This section does not apply if the debarking or declawing*
39 *of an animal is required to be performed for a therapeutic purpose.*

1 (d) *In addition to any other penalty allowed by law, violation*
2 *of this section shall result in a civil penalty of not more than two*
3 *thousand five hundred dollars (\$2,500) to be paid to any individual*
4 *harmed by the violation of this section.*

5 SECTION 1. ~~Section 1797.3 of the Health and Safety Code is~~
6 ~~amended to read:~~

7 ~~1797.3. This division does not preclude the adoption of~~
8 ~~additional training standards for EMT-II and EMT-P personnel by~~
9 ~~local EMS agencies, consistent with standards adopted pursuant~~
10 ~~to Sections 1797.171, 1797.172, and 1797.214.~~